

**SECOND AMENDED  
APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER  
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF  
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office DEC 30 1985

Returned to applicant for correction FEB 05 1986

Corrected application filed MAR 24 1986

Map filed MAR 24 1986

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The applicant **Joseph B. Key**, hereby make application for permission to change the **Place of Use of a portion** water heretofore appropriated under **Proof No. 00459 (279.42 acres, 3.438 cfs)**

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1. The source of water is **Lamoille Creek, Rabbit Creek and Springs**
2. The amount of water to be changed **3.438 cfs**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **Same as Below**
6. The existing permitted point of diversion is located within **Lamoille Creek Lot 2, Section 6, T 32 N, R 58 E, MDB&M., at a point from which the NW corner of said Section 6 bears N 85° 31' 00" W, 3830.00 feet, Rabbit Creek and Springs Point of Diversion ad decreed.**
7. Proposed place of use **Portions of the E½, Portions of the E½ W½ of Section 2, T 33 N, R 57 E, MDB & M.; Portions of W½ E½, Portions of SE¼ SE¼, E½ E½ SW¼ of Section 35, T 34 N, R 57 E, MDB & M. These waters transferred would be supplemental to 138.56 acres under Proof 00453 in Section 2, T 33 N, R 57 E, MDB & M., Total number of acres to be irrigated = 279.42 acres.**
8. Existing place of use **Portion of N½ of Section 26, T 33 N, R 57 E, MDB & M., (279.42 acres to be removed from Irrigation).**
9. Use will be from **April 15 to August 15** of each year.
10. Use was permitted from **April 15 to August 15** of each year.
11. Description of proposed works **Existing Ditches and Creeks**
12. Estimated cost of works **\$5000 to repair ditches**
13. Estimated time required to construct works **3 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**

15. Remarks:

By s/James W. Johnson  
James W. Johnson, Agent  
111 California Avenue  
Reno, Nevada 89509

Compared ag/al ag/ cmf

Protested 4/28/86 by Marilyn C. Tipton, 4/29/86 by Dennis Lipparli,  
4/30/86 by Otis W. Tipton III, 4/30/86 by William D. & Ian Wagner,  
5/5/86 by George Knezevich, 5/5/86 by Laura Murdock, 5/9/86 by Kelly H. Parker,  
5/9/86 by Shirley Mensink, 5/9/86 by Jack L. Goad, 5/9/86 by Dennis W. Mensink,  
5/9/86 by Fred and Charlotte Paschall, 5/9/86 by Steve Parker, 5/16/86 by Salicchi Ranches,  
6/4/86 by Albert C. Jones and Dolores D. Jones,  
Protests Overruled 1-2-04 See Ruling # 5314

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use of a portion of the waters of Lamoille Creek and Rabbit Creek as heretofore appropriated under Proof 00459 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total acreage allowed to be irrigated under this permit is 134.24 acres as delineated by support map filed under Application 49605 as required by State Engineer Ruling 5314, dated January 2, 2004.

The source of water under this permit is limited to Lamoille Creek and Rabbit Creek.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.652 cubic feet per second, but not to exceed 402.72 acre-feet per season as designated by Decree, and not to exceed a seasonal duty of 3.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 12, 2007

Proof of completion of work shall be filed on or before:

April 12, 2007

Water must be placed to beneficial use on or before:

March 12, 2009

Proof of the application of water to beneficial use shall be filed on or before:

April 12, 2009

Map in support of proof of beneficial use shall be filed on or before:

April 12, 2009

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 12th day of March, A.D. 2004

  
State Engineer

Completion of work filed \_\_\_\_\_

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_